



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,383	02/03/2000	David L. Bahr	7204	7431

826 7590 11/07/2003

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 11/07/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,383

Applicant(s)

BAHR ET AL.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-27, 29-33, 35-53 and 55-59 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-16, 18-27, 29-33, 35-53, and 55-59 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-16, 18-27, 29-33, 35-53, and 55-59 have been examined.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 October 2003 has been entered.

Response to Arguments

1. Applicant's arguments filed 1 October 2003 have been fully considered but they are not persuasive.
2. The Applicant alleges that "LEADTOOLS" is inadmissible as evidence under Rule 802, Federal Rules of Evidence ("FRE"). Under Rule 802, the Applicant alleges that "LEADTOOLS" is hearsay and not admissible. The Applicant also alleges "LEADTOOLS" lacks information and authentication under Rule 901 of the FRE based on that "LEADTOOLS" is an out-of-court statement made without benefit of anyone under oath to "explain what it is, how it was compiled, when and by whom it was compiled, whether it is as it is asserted to be, namely 'prior art' to the subject application, i.e., whether it constitutes a 'publication' or 'offer for sale' under the Patent Laws, etc."

The Examiner traverses these allegations. "LEADTOOLS" is an electronic publication that is retrievable from the Internet address web.archive.org/web/19981206103323/www.leadtools.com/products.htm. The electronic database "web.archive.org" stores Internet printed publications that were posted and available to the general public on the Internet on a particular date. The Examiner states that, during the search for prior art, "LEADTOOLS" was shown to be posted and available to the general public on 6 December 1998, as further shown within the retrieval Internet address of the publication.

MPEP § 2128 "Printed Publications under Prior Art" states:

"A reference is proven to be a "printed publication" upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it."

Further, MPEP § 2128 states:

"An electronic publication, including an on-line database or Internet publication, is considered to be a "printed publication" within the meaning of 35 U.S.C. 102(a) and (b) provided the publication was accessible to persons concerned with the art to which the document relates."

"Prior art disclosures on the Internet or on an online database are considered to be publicly available as of the date the item was publicly posted..."

Clearly, "LEADTOOLS" falls within the guidelines of the MPEP as to its eligibility as an electronic printed publication under 35 USC 102(b).

3. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

Art Unit: 2143

hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). (emphasis added)

In this case, the rejection of claim 1 in the Final Office Action mailed 8 July 2003 reads:

"LEADTOOLS" does not expressly disclose the display including a control portion, the control portion including at least one control element for generating a start scan signal to initiate scanning of a document with a scanner to generate the document data and a send data signal to transmit the document data with the index data displayed by the web browser from the client device to a server, however, "LEADTOOLS" discloses the start scan signal and send data signal as disclosed above. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created in order to have a customized display [page 6, "LEADTOOLS Imaging Common Dialogs"], therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a control portion as claimed." (page 5) (emphasis added)

Therefore, the Examiner has properly established obviousness as shown by the teachings and suggestions in "LEADTOOLS".

Art Unit: 2143

5. In regards to Applicant's arguments that "LEADTOOLS" does not disclose the use of the invention from within a web browser, the Examiner traverses this argument.

"LEADTOOLS" discloses:

"The imaging technology covered in LEADTOOLS includes support for... Internet/Intranet imaging..." (page 1) (emphasis added)

"LEADTOOLS features a Net Aware ActiveX and a Netscape plug-in for Internet/intranet applications... A FeedLoad function is included to allow image data to be displayed as it is being transmitted across the net, providing Internet programmers with the fastest way to begin painting the client's screen." (page 5, section "Internet/Intranet Imaging") (emphasis added)

In view of the disclosures of "LEADTOOLS", "LEADTOOLS" clearly discloses that the invention may be used within an Internet/Intranet application or "web browser".

6. In regards to Applicant's argument that "LEADTOOLS" teaches away from the use of the invention from within a web browser, the Examiner traverses this argument.

The Applicant uses the Scanning section of the "LEADTOOLS" disclosure to show that "LEADTOOLS" references "your application" as opposed to a web browser as evidence of the teaching away from the use of a web browser. In view of the above disclosures, "LEADTOOLS" clearly shows that the invention is used to create web applications that are used within an Internet/Intranet application or "web browser". (emphasis added).

Therefore, "LEADTOOLS" does not teach away from the invention from being used within a "web browser".

7. In regards to Applicant's argument that "LEADTOOLS" does not teach aspects of the claimed invention, the disclosures cited in the Final Office Action mailed 8 July 2003 do in fact disclose these claimed aspects. These disclosures are shown and, if necessary, are further distinguished below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-16, 18-27, 29-33, 35-53, and 55-59 are rejected 35 U.S.C. 103(a) as being unpatentable over "LEADTOOLS" by LEAD Technologies, Inc.

Regarding claim 1, "LEADTOOLS" discloses a method comprising the step of:

a) generating a display based on a hypertext mark-up language (HTML) document using a web browser of a user interface of a client device, the display including a document display portion and an index field portion, the document display portion including a display of document data and the index field portion permitting index data to be input to the user interface in association with the document data and generating a start scan signal to initiate scanning of a document with a scanner to generate the document data and a send data signal to transmit the document data with the index data displayed by the web browser from the client device to a server. [page 2, "Scanning", particularly paragraph 3; pages 2-3, "Display"; page 5, "Internet/Intranet Imaging"; pages 5-6, "Database Imaging", page 6, "LEADTOOLS Imaging Common Dialogs"; page 7, "Multimedia, specifically line 2; page 7, "Medical Imaging"]

"LEADTOOLS" does not expressly disclose the display including a control portion, the control portion including at least one control element for generating a start scan signal to initiate scanning of a document with a scanner to generate the document data and a send data signal to transmit the document data with the index data displayed by the web browser from the client device to a server, however, "LEADTOOLS" discloses the start scan signal and send data signal as disclosed above. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created in order to have a customized display on a web browser [page 1, "Scanning", paragraph 3; page 6, "LEADTOOLS Imaging Common Dialogs"; page 5, "Internet/Intranet Imaging"]. This disclosure within "LEADTOOLS" resolves the

Art Unit: 2143

level of ordinary skill in the art and therefore the claimed invention is obvious in view of "LEADTOOLS".

Regarding claim 2, "LEADTOOLS" discloses a method as claimed in claim 1.

"LEADTOOLS" does not expressly disclose wherein the control portion includes a control element used to alternately generate the start scan signal and the send data signal with respective successive activations of the control element, however, "LEADTOOLS" does disclose a start scan signal and send data signal as claimed. [page 2, "Scanning"; page 6, "LEADTOOLS Imaging Common Dialogs"].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to alternately generate the start scan signal and the send data signal with respective successive activations of the control element since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 3, "LEADTOOLS" discloses a method as claimed in claim 1, wherein the control portion includes at least one control element that can be activated to adjust the scale of the display of the document data. [pages 2-3, "Display", paragraph 1, line 5]

Regarding claim 4, "LEADTOOLS" discloses a method as claimed in claim 3, wherein the control element can be activated to increase the scale of the display of the document data ("zoom in"). [pages 2-3, "Display", paragraph 1, line 5]

Regarding claim 5, "LEADTOOLS" discloses a method as claimed in claim 3, wherein the control element can be activated to decrease the scale of the display of the document data ("zoom out"). [pages 2-3, "Display", paragraph 1, line 5]

Regarding claim 6, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the control element can be activated to scale the document data to fit within the document display portion of the user interface, however, "LEADTOOLS" does disclose that the document data may be scaled to any desired scaling [pages 2-3, "Display", paragraph 1, line 5]. This suggestion within "LEADTOOLS" resolves the level of ordinary skill in the art and therefore the claimed invention is obvious in view of "LEADTOOLS".

Regarding claim 7, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the control element can be activated to scale the document data for display in the document display portion to the same scale as the scanned document, however, "LEADTOOLS" does disclose that the document data may be scaled to any desired scaling [pages 2-3, "Display", paragraph 1, line 5]. This suggestion within "LEADTOOLS" resolves the level of ordinary skill in the art and therefore the claimed invention is obvious in view of "LEADTOOLS".

Regarding claim 8, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the control portion includes a control element to select document data from among a plurality of scanned documents for display on the document display portion of the display, however, "LEADTOOLS" does disclose selection of document data from among a plurality of

scanned documents for display on a document display portion of the display [pages 5-6, "Database Imaging"].

Claim 8 is rejected under 35 USC 103(a) since the motivations regarding the obviousness of claim 1 also apply to claim 8.

Regarding claim 9, "LEADTOOLS" discloses a method comprising the steps of:

a) generating a start scan signal; b) at the client device, converting the start scan signal into a form compatible with a scanner; c) transmitting the converted start scan signal from the client device to the scanner; d) receiving the converted start scan signal at the scanner; and e) scanning a document with the scanner to generate document data, in response to the converted start scan signal received in said step (d). [page 1, "Scanning"]

"LEADTOOLS" does not expressly disclose using a control element defined by a hypertext mark-up language (HTML) document displayed by a web browser of a user interface of a client device to generate a start scan signal, however, "LEADTOOLS" discloses the start scan signal as described above and an interface that uses the functions of "LEADTOOLS" within a web browser of a client device [page 5, "Internet/Intranet Imaging"]. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created and customized to create a customized display on a web browser [page 1, "Scanning", paragraph 3; page 6, "LEADTOOLS Imaging Common Dialogs"; page 5, "Internet/Intranet Imaging"].

Claim 9 is rejected under 35 USC 103(a) since the motivations regarding the obviousness of claim 1 also apply to claim 9.

Art Unit: 2143

Regarding claim 10, "LEADTOOLS" discloses a method as claimed in claim 9.

"LEADTOOLS" does not expressly disclose wherein said step (a) is performed by pressing and releasing the control element defined by the HTML document displayed by the web browser of the client device using a mouse, however, "LEADTOOLS" discloses the start scan signal as described above and an interface that uses the functions of "LEADTOOLS" within a web browser of a client device [page 5, "Internet/Intranet Imaging"].

Examiner takes Official Notice (see MPEP § 2144.03) that using a mouse with a user interface such as a web browser to operate control elements in an HTML document was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means

Art Unit: 2143

official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Regarding claim 11, "LEADTOOLS" discloses a method as claimed in claim 9, further comprising the steps of f) transmitting the document data from the scanner to the client device; g) receiving the document data at the client device; h) at the client device, converting the document data into a form that can be displayed within the web browser of the client device; and i) generating a display including the scanned document on the web browser of the client device, based on the document data converted in step (h). [page 2, "Scanning"; page 2-3, "Display"; page 5, "Internet/Intranet Imaging"; page 7, "Medical Imaging"]

Regarding claim 12, "LEADTOOLS" discloses a method as claimed in claim 11, further comprising the step of j) adjusting the display of the document data via a control element defined in the HTML document [page 1, "Scanning", paragraph 3; pages 2-3, "Display", paragraph 1, line 5; page 5, "Internet/Intranet Imaging"].

Regarding claim 13, "LEADTOOLS" discloses a method as claimed in claim 12, wherein the adjusting of said step (j) includes decreasing the scale of the display of the scanned document ("zooming in") in the web browser. [page 1, "Scanning", paragraph 3; pages 2-3, "Display", paragraph 1, line 5; page 5, "Internet/Intranet Imaging"]

Regarding claim 14, "LEADTOOLS" discloses a method as claimed in claim 12, wherein the adjusting of said step (j) includes increasing the scale of the display of the scanned document ("zooming out") in the web browser. [page 1, "Scanning" paragraph 3; pages 2-3, "Display", paragraph 1, line 5; page 5, "Internet/Intranet Imaging"]

Regarding claim 15, "LEADTOOLS" discloses a method as claimed in claim 12.

"LEADTOOLS" does not expressly disclose wherein the adjusting of said step (j) includes scaling the display of the scanned document to fit within the document display portion of the display in the web browser of the client device, however, "LEADTOOLS" does disclose that the document data may be scaled to any desired scaling [pages 2-3, "Display", paragraph 1, line 5]. This suggestion within "LEADTOOLS" resolves the level of ordinary skill in the art and therefore the claimed invention is obvious in view of "LEADTOOLS".

Regarding claim 16, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the adjusting of said step (j) includes generating the display of the scanned document in the web browser of the client device with the same scale as the scanned document, however, "LEADTOOLS" does disclose that the document data may be scaled to any desired scaling [pages 2-3, "Display", paragraph 1, line 5]. This suggestion within "LEADTOOLS" resolves the level of ordinary skill in the art and therefore the claimed invention is obvious in view of "LEADTOOLS".

Regarding claim 18, "LEADTOOLS" discloses a method as claimed in claim 11, further comprising the step of j) generating a multiscan mode signal with the control element of the HTML document displayed by the web browser of the client device, said steps (e)-(g) repeatedly performed to generate document data for a plurality of documents, based on the multimode scan signal. [page 2, "Scanning"; page 5, "Internet/Intranet Imaging]

Art Unit: 2143

Regarding claim 19, "LEADTOOLS" discloses a method as claimed in claim 18, the method further comprising the steps of k) generating a selection signal using a control element defined within the HTML document displayed by the web browser at the client device indicating at least one of the first, last, next and previous scanned documents for display and l) displaying the document data for one of the scanned documents, based on the selection signal generated in said step (k) [page 1, "Scanning", paragraph 3; page 5, "Internet/Intranet Imaging"; page 5, "Image Format Import / Export Filters", specifically paragraph 2, lines 9-11; page 6, "LEADTOOLS Imaging Common Dialogs";].

Regarding claim 20, "LEADTOOLS" discloses a method as claimed in claim 12, further comprising the steps of j) inputting predetermined index data into an index field defined by the HTML document displayed by the web browser of the user interface of the client device; k) generating a send data signal using the control element defined by the HTML document displayed by the web browser of the user interface of the client device; l) transmitting the document data and index data from the client device to the server over an internetwork in response to the send data signal generated in said step (k); m) receiving the document data and index data at the server; and n) storing the document data in association with the index data in a database of a data storage unit. [page 5, "Internet/Intranet Imaging"; pages 5-6, "Database Imaging", specifically paragraph 1, lines 6-7; page 6, "LEADTOOLS Imaging Common Dialogs", specifically paragraph 2]

Regarding claim 21, "LEADTOOLS" discloses a method as claimed in claim 20, wherein the index data includes predetermined identification data to identify the document [pages 5-6, "Database Imaging", specifically paragraph 1, lines 6-7, page 6, "LEADTOOLS Imaging Common Dialogs", specifically paragraph 2].

Regarding claim 22, "LEADTOOLS" discloses a method as claimed in claim 20, wherein the document data and the index data are transmitted between the server and client device in hypertext transfer protocol (HTTP) [page 5, "Internet/Intranet Imaging"; pages 5-6, "Database Imaging"].

Regarding claim 23, "LEADTOOLS" discloses a method as claimed in claim 20.

"LEADTOOLS" does not expressly disclose wherein the start scan signal and the send data signal are input by a user via a common control element defined in the HTML document displayed by the web browser that toggles between a first scan mode for the performance of said step (a) and a second send mode for the performance of said step (l), however, "LEADTOOLS" does disclose the start scan signal and send data signal as disclosed above. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created in order to have a customized display on a web browser [page 1, "Scanning", paragraph 3; page 6, "LEADTOOLS Imaging Common Dialogs"; page 5, "Internet/Intranet Imaging"].

Examiner takes Official Notice (see MPEP § 2144.03) that a toggle being used as a control element within a user interface such as a web browser was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant

Art Unit: 2143

traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Regarding claim 24, "LEADTOOLS" discloses a method as claimed in claim 20.

"LEADTOOLS" does not expressly disclose wherein the start scan signal is input by a user via a first control element defined in the HTML document displayed by the web browser for a first scan mode in the performance of said step (a) the send data signal is input by a user via a second control element in the performance of said step (l), however, "LEADTOOLS" does disclose the start scan signal and send data signal as disclosed above. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created in order to have a customized display on a web browser [page 1, "Scanning", paragraph 3; page 6, "LEADTOOLS Imaging Common Dialogs"; page 5, "Internet/Intranet Imaging"]. These disclosures and

Art Unit: 2143

suggestions resolve the level of ordinary skill in the art and therefore the claimed invention is obvious in view of "LEADTOOLS".

Claim 25 is rejected since claim 25 contains the same limitations as recited in claim 9.

Regarding claim 26, "LEADTOOLS" discloses a method as claimed in claim 9, further comprising the step of f) transmitting the document data from the scanner to a client device; g) receiving the document data at the client device; and h) transmitting the document data from the client device to a server. [page 2, "Scanning"; pages 5-6, "Database Imaging"]

Claim 27 is rejected since claim 27 contains the same limitations as recited in claims 9, 11, and 20 in combination.

Claims 29-33, 35-36, and 37-40 are rejected since these claims contain the same limitations as recited in claims 3-7, 18-19, and 21-24 respectively.

Claims 41-48 are rejected since these claims contain the same limitations as recited in claims 1-8 respectively.

Claim 49 is rejected since claim 49 contains the same limitations as recited in claim 20.

Claim 50 is rejected since claim 50 contains the same limitations as recited in claims 1 and 20 in combination.

Regarding claim 51, "LEADTOOLS" discloses a system as claimed in claim 50, wherein the network includes an internetwork [page 5, "Internet/Intranet Imaging"].

Regarding claim 52, "LEADTOOLS" discloses a system as claimed in claim 50, wherein the client device includes a personal computer [page 5, "Internet/Intranet Imaging"].

Regarding claim 53, "LEADTOOLS" discloses a system as claimed in claim 50, wherein the user interface includes a web browser that executes the HTML document to generate the display [page 5, "Internet/Intranet Imaging"].

Claim 55 is rejected since claim 55 contains the same limitations as recited in claims 1 and 20 in combination.

Claim 56 is rejected since claim 56 contains the same limitation as recited in claim 51.

Claim 57 is rejected since claim 57 contains the same limitations as recited in claims 1 and 20 in combination.

Claim 58 is rejected since claim 58 contains the same limitations as recited in claim 11.

Claim 59 is rejected since claim 59 contains the same limitations as recited in claim 20.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm.

Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER